COMMONWEALTH OF PUERTO RICO
OFFICE OF THE GOVERNOR
ENVIRONMENTAL QUALITY BOARD

IN RE: **AES PUERTO RICO, L.P.** JOBOS WARD GUAYAMA, PR (PETITIONER)	**RES. NO.:** **R-14-27-20** **RE:** Interpretative Resolution regarding the Disposal of Coal Combustion Residuals

RESOLUTION AND NOTIFICATION

At an ordinary meeting held on August 27, 2014 the Governing Board (hereinafter the "Board") of the Environmental Quality Board (hereinafter "EQB") considered several motions filed by AES Puerto Rico, L.P. (hereinafter "AES" or the "Petitioner") with the Governing Board. Particularly, the Board evaluated a motion filed by AES on January 2, 2014, entitled "Request for Determination that Cause was Shown for Resolutions No. R-96-39-1 and R-00-14-2 Not To Be Annulled, and Consequently, for the Order to Show Cause and/or Request for Hearing to be Annulled (hereinafter the "Request") and two communications dated May 15 and June 9, 2014, respectively, entitled "Proposal to Landfill CCP's Produced at the AES Puerto Rico Facility" and "Proposal to Use Agremax Produced at the AES Puerto Rico Facility as Alternative Daily Cover."

I. PROCEDURAL AND FACTUAL BACKGROUND

A. REQUEST FOR INTERPRETATIVE RESOLUTION FOR EXEMPTION FROM COMPLIANCE

Since 2002, AES has been operating an electrical cogeneration plant on Road PR-3, km 142, in the Jobos Ward in the Municipality of Guayama, Puerto Rico (hereinafter the "Facility"). Specifically, the Facility uses bituminous coal rock as fuel. The combustion of coal produces two types of ashes, namely, bottom ash and fly ash (hereinafter referred to jointly as Coal Combustion Residuals, "CCR's").

In 1995, in the Environmental Impact Statement (hereinafter "EIS") prepared during the environmental planning stage, it was estimated that the Facility would have a maximum production of

433,000 tons of ash per year, which would be processed to generate a byproduct. Considering the amount of ash to be produced at the Facility, in the EIS it was stated that AES planned "to have the capacity to export any byproduct not used in Puerto Rico" and that it would not deposit "the ash or its derivatives as solid waste in the landfills of Puerto Rico." *See*, Final Environmental Impact Statement, Volume I, passed on March 4, 1996, page 4-36. Thus, once the Facility commenced operations, AES set out to produce a product that it named manufactured aggregate.

In view of the foregoing, during this pre-construction phase, on July 10, 1996, AES filed an application for exemption from applicability (hereinafter, the "Exemption Application") with the Board for the Board to exempt the Facility, once it commenced operations, from compliance with Rules 102, 1002 and 1003 of Regulations 4972 of October 7, 1993, known as the "Non-Hazardous Solid Waste Management Regulations," applicable at the time (hereinafter the "1993 Regulations"). In support of its Exemption Application, AES claimed that the ashes that were going to be generated at the Facility "would not be discarded, thrown out, abandoned or disposed of, and that, on the contrary, the ashes would be processed, recovered, used or reused as ingredients to produce manufactured aggregate and as an effective substitute for other commercial products." Furthermore, AES indicated that the manufactured aggregate to be produced at the Facility would have several beneficial uses, among which, applying it as structural fill and road base. *See*, Resolution No. R-96-3-1, In Re: AES Puerto Rico L.P., issued by the Board on October 29, 1996, page 1.

AES was very specific in detailing the process by which the manufactured aggregate would be produced inside the Facility. To that effect, it was expressly established that in order to produce the aggregate: the ashes would be sent through closed pipes from where they were collected to two storage silos. Once collected in the silos, they would be transferred to a mixer and hydration system, also through closed pipes, to convert them in conditioned ash. Once conditioned, the ash would be transferred to the

manufactured aggregate production area, which would be an open ten (10) *cuerda* area inside the Facility, separate from the remainder of the operations, and using mechanical shovels and a leveling tractor, the conditioned ash would be spread out in twenty-four (24) inch layers. During this stage, water would be applied again to keep the material at optimal moisture levels; to make it easier to compact it; and for better cementation. Then, the 24-inch layers would be reduced by mechanical compaction to 10-inch layers, achieving compaction levels greater than 95%. Once this compaction and hardening process ended—which was said to take between 7-14 days—it was established that the manufactured aggregate produced through the process summarized above would be cut with a scarifier-reclaimer into three (3) inch pieces of material. *Id.* Page 2.

With regard to the sale of the manufactured aggregate, AES established that it would be stored at the Facility and transported to the place where it was going to be used--in the case of foreign users, final deliveries would be made by ship, using closed conveyor belts, and in the case of local users, the material would be transported by dump trucks or trailers operated by contractors, using a front loader and covering the loads with tarps during transportation--and that there is an existing market to sell this manufactured aggregate.

Thus, AES represented to the Board that the process of producing the manufactured aggregate would be carried out entirely inside the Facility; that the ash generated at the plant would not constitute waste as it would be converted into manufactured aggregate, which was to come in the shape of hard, 3-inch blocks; and that there was a market to sell such manufactured aggregate.

B. RESOLUTION NO. R-96-39-1, ISSUED ON OCTOBER 29, 1996

In view of the specific representations made by AES as to how the manufactured aggregate would be produced at the Facility, through an Interpretative Resolution, Resolution R-96-39-1, passed on October 29, 1996 (hereinafter "R-96-39-1"), the Board determined that it "interpreted that the activities

pointed out would not be subject to Rules 103, 1002, 1003 and 1005 of the 1993 Regulations. In making such interpretation, the Board analyzed the regulatory provisions applicable at the time. Particularly, the Board examined the general prohibition established in Rules 1002 and 1003 of the 1993 Regulations which laid down that no person could build or allow to be built or operated a new or modified solid waste facility, without first obtaining the pertinent construction and operation permits from the EQB. Likewise, the Board examined Rule 1005 with regard to the general prohibition that no person may cause or permit an activity that generates non-hazardous solid waste without first obtaining a permit from the EQB. Furthermore, it evaluated the definitions of the terms "solid waste," "disposal" and "solid waste facility," laid down in Rule 103 *Id.* page 3.

Having analyzed the aforementioned provisions, the Board determined that "for a given material to constitute solid waste it has to be discarded, thrown out, abandoned or disposed of permanently. In other words, if the material is processed as part of the operations of the facility that generates it, then the material does not enter the flow of non-hazardous solid waste. Consequently, the facility that processed the material is not a generator or a facility for non-hazardous solid waste." *Id* page 3.

Based on the foregoing, even when the general prohibitions quoted above were still in effect the EQB, by way of exception, interpreted that the Facility was excluded from the application of the pertinent Rules of the 1993 Regulations. In doing so, the Board established that it had arrived at this decision, because AES had "demonstrated that it has the proper capacity, resources and facilities to provide such treatment; that the material, once processed, had a beneficial use and an existing market; and that it would not enter the flow of the solid waste that is disposed of, discarded or abandoned."(Emphasis added). *Id.*

As part of its interpretation, the Board deemed it pertinent "to clarify that the interpretation hereby notified was made, taking into consideration the entire file found at the Board, including the procedure for producing and processing the ashes generated at the proposed energy plant. Therefore, this interpretation

shall only apply to these operations and the process of producing manufactured aggregate by processing ashes generated at the power plant. Particularly, this interpretation shall not apply to facilities or installations that recover or recycle materials that have entered the flow of solid waste." (Emphasis added). *Id.* page 4. Furthermore, the Board deemed it worthy to clarify that the interpretation made in Resolution R-96-39-1 "by no means constitutes the granting of a permit." (Emphasis added). *Id.* page 4.

Pursuant to the foregoing, through R-96-39-1, the EQB clearly established that it was making its decision based on the representations made by AES in the documents and information provided and contained in the totality of the file, and that, based on this, it was only issuing an Interpretative Resolution which by no means constituted a permit.

C. REQUEST FOR INTERPRETATIVE RESOLUTION RATIFYING EXEMPTION FROM COMPLIANCE

Once R-96-39-1 was passed, the EQB annulled the 1993 Regulations and passed Regulations No. 5717 of November 14, 1997, known as the "Non-Hazardous Solid Waste Management Regulations" (Hereinafter the "1997 Regulations"). In view of this, AES reiterated its Exemption Request under the 1997 Regulations. Due to the foregoing, on April 19, 2000, AES again filed a request for exemption from applicability (hereinafter the "Exemption Ratification Request") with the Board. This time, for the Board to exempt the Facility, once it commenced operations, from having to comply with Rules 641, 642 and 644 of the 1997 Regulations. In general terms, AES adduced that the EQB's interpretation should not vary from what was established in R-96-39-1, given that the regulatory amendments had by no means varied, altered or modified the Board's decision under the 1993 Regulations. In support of its request, AES reiterated that "the ashes would not enter the flow of solid waste and that it would not be a solid waste installation or facility that would provide solid waste recycling, processing, reclaiming or recovery services." *See,* Resolution No. R-00-14-2, In Re: AES Puerto Rico L.P., issued by the Board on April 25, 2000, page 2.

D. RESOLUTION NO. R-00-14-2 ISSUED ON APRIL 25, 2000

Having analyzed the Exemption Ratification Request, the Board issued an Interpretative Resolution, Resolution R-00-14-2, passed on April 25, 2000 (hereinafter, "R-00-14-2"), approving AES's request because it concluded that the Facility would not be required to obtain the construction, solid waste facility or solid waste activity permits laid down in the 1997 Regulations "as it involves an internal process carried out at the same generation site that produces a material that will no enter the flow of solid waste that is disposed of, discarded or abandoned." (Emphasis added). *Id.* page 3. And it was under these circumstances that AES began operating the Facility in November 2002, in accordance with these interpretative resolutions, which were issued before the plant had commenced operating.

E. RESOLUTION NO. R-05-14-11, ISSUED ON MAY 3, 2005

After several years had passed, in March 2005, BFI of Ponce, Inc. (hereinafter "BFI") requested a temporary dispensation from compliance with Rule 546 of the 1997 Regulations, as amended,[1] in order to be allowed to use manufactured aggregate produced by AES as an alternative daily cover at the sanitary landfills it operated in the Municipalities of Salinas and/or Ponce.

Having evaluated the aforementioned request, on May 3, 2005, the Board authorized—as a pilot plan—the use of manufactured aggregate as daily cover for a period of 180 days. In granting this

[1] Rule 546 of the 1997 Regulations, as amended, established, at the time, and still now, the daily cover material requirements that sanitary landfill systems must meet, which are as follows:

"A. No person shall cause or permit the operation of a sanitary landfill system without the application of adequate cover material.

B. Owners or operators of sanitary landfill systems shall cover the solid waste disposed of at the facility with no less than six (6) inches of compacted fill material at the end of each day of operation. This shall be done at more frequent intervals, if necessary, to control vectors, fires, objectionable odors, dispersal of waste by wind and rescue of waste.

C. Owners or operators who wish to use a cover layer thinner than the minimum established above, or cover material that warrants a thicker layer, or an equivalent material, shall submit to the Environmental Quality Board, for its evaluation, a dispensation request demonstrating that the alternative cover materials and the proposed thickness are adequate to control vectors, fires, objectionable odors, dispersal of waste by wind and rescue of waste, without presenting a risk to human health or the environment."

dispensation, the Board reiterated its position regarding AES's manufactured aggregate. To that effect, the Board reiterated "that the procedure to produce Manufactured Aggregate [at the Facility] is exempt from the requirement to obtain a solid waste facility permit, since the ash is processed as part of AES's operations and does not enter the flow of non-hazardous solid waste. Furthermore, it is established that the ash is not considered solid waste since it is not discarded, thrown out, abandoned or disposed of in this process. Instead it is used as a raw material to produce Manufactured Aggregate as a final product and the ash is not stored indefinitely at the facility." (Emphasis added). *Id.* pages 2-3.

In addition to the foregoing, the Board emphasized that "[h]owever, pursuant to regulations, both the fly ash and the bottom ash generated by AES, which is processed in producing Manufactured Aggregate, would be non-hazardous solid waste if instead of being processed they were disposed of in a solid waste disposal facility such as a sanitary landfill system." (Emphasis added). *Id.* page 3.

Subsequently, through Addendum R-05-14-11, authorized on May 3, 2005, the Board clarified that the dispensation authorized by virtue of R-05-14-11 applied exclusively to the Salinas landfill.

F. ORDER TO SHOW CAUSE, R-13-10-1, ISSUED ON SEPTEMBER 13, 2013

After several years had passed, and the EQB was able to corroborate AES's actual operation and production of the manufactured aggregate in its Facility, on September 13, 2013, the Board decided *motu proprio* to reevaluate interpretative resolutions R-93-39-1 and R-00-04-2, given the incongruence between what was represented when the Exemption Requests were filed and the reality of the conditions in which the ashes were actually processed at the Facility. Particularly, the process of producing the manufactured aggregate was contrary to what was represented because the ash generated at the plant was not being converted into the material within the Facility, pursuant to the process detailed by AES. In this regard, the conditioned ash was not being spread out in twenty-four (24) inch layers. The compaction and hardening processes were taking longer than 7-14 days, and the ashes were being store indefinitely at the

Facility in a pile measuring approximately 200 feet wide by 200 feet long and 50 feet high; and since this process was not being carried out, the manufactured aggregate was not being produced at the Facility, since there was a pile of ashes instead of a pile of 3-inch blocks, as had been indicated would be the consistency and shape of the manufactured aggregate.

Consequently, the Board was forced to reevaluate the interpretation by which it had established that the activities carried out by AES at the Facility, by way of exception, because these would normally require a permit from the EQB pursuant to the 1997 Regulations, as amended, were exempt because the manufactured aggregate was processed internally at the same generation site that produces a material that will not enter the flow of solid waste that is disposed of, discarded or abandoned. Even more so when the interpretation of reference was made more than a decade ago and before the Facility even began operating. In view of these circumstances, through an order to that effect, the Board granted AES 30 days to show cause as to why the Governing Board should not annul R-96-39-1 and R-00-14-2, respectively, given these changes in the operational conditions that were represented to the EQB upon filing of the Exemption Requests that served as a basis to issue the aforementioned resolutions.

G. RESOLUTION NO. R-13-14-15 ISSUED ON OCTOBER 31, 2013

The Order to Show Cause having been notified, on October 7, 2013, AES filed a motion with the Board, entitled, "Motion Seeking to Enforce Due Process and Guaranteed Rights under the Uniform Administrative Procedure Act" (hereinafter the "Motion Seeking Enforcement"). In short, in this motion, AES asked: to be provided a copy of the technical evaluation of the Land Contamination Control Area (Hereinafter, "LCCA") on which the Order to Show Cause was based; that the Order to Show Cause be amended for the alleged operational change on which the order is based to be notified opportunely; and that, once such notification was completed, it be granted thirty (30) days of the date of notification in order to be able to defend itself from the EQB's charges or claims, in accordance with due process.

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In response to this motion, on October 31, 2013, the Board issued Resolution No. R-13-14-15. From the beginning, the Board pointed out that as opposed to what AES claimed, "the Order to Show Cause is not related to an adjudicative procedure, complaint or document by virtue of which charges or claims are being brought against it. The Order to Show Cause is related to a consultation submitted by AES on July 10, 1996, reiterated on April 19, 2000, to the consideration of the EQB asking the EQB to resolve that the ashes to be generated by the electric power plant currently located in the Municipality of Guayama—which had not been built at the time—did not constitute solid waste and, consequently, that the plant would not be a solid waste facility subject to the operation and construction requirements established in the Non-Hazardous Solid Waste Management Regulations."

Furthermore, particularly through R-96-39-1, the EQB expressly pointed out that the interpretation made in the Resolution by no means constituted the granting of a permit. *See*, R-96-39-1 page 4, paragraph 2.

Likewise, the Board established that it has the power and authority to evaluate and review, at any time, and *motu proprio,* Resolutions No. R-96-39-1 and R-00-14-2 issued by the EQB. Especially when these consisted in a decision that was based on a consultation submitted to the consideration of the agency more than thirteen years ago and even before AES's plant had been built. Particularly, pursuant to Article 8(B)(6)) of Law No. 416-2004, supra, the Board reiterated that it has the power to issue, "at the request of a party or *motu propio*, official interpretations on the scope and applicability of the laws that are administered by the Environmental Quality Board and the regulations adopted by the [Governing] Board pursuant to such laws."

Having established the foregoing, the Board determined that there was no due process violation whatsoever in evaluating what was resolved in R-96-39-1 and reiterated by virtue of R-00-14-2. Specifically, the Board pointed out that through the Order to Show Cause, it granted AES the opportunity

to express itself and be heard and that, in accordance with the ordinary process, AES can ask the Office of the Secretary of the Governing Board for a copy of the administrative file pertaining to the Order to Show Cause, which includes a copy of the Report. Nevertheless, for purposes of speeding up the proceedings related to this matter, a copy of the Report was attached to R-13-14-15 and a final thirty (30) day period was granted to AES to comply with what was required in the Order to Show Cause.

On January 2, 2014, AES filed a request with the Board entitled "Request for Determination that Cause was Shown for Resolutions No. R-96-39-1 and R-00-14-2 Not To Be Annulled, and Consequently, for the Order to Show Cause and/or Request for Hearing to be Annulled" filed by AES. In short, through its motion, AES petitioned the Board: to determine that cause was shown for resolutions R-96-39-1 and R-00-14-2 not to be annulled. And, otherwise, if the EQB did not agree to annul the Order to Show Cause, that a hearing be granted in order to present evidence of the Facility's operational aspects. In this motion, AES admits that, despite its marketing efforts, it has not been able to sell the manufactured aggregate in Puerto Rico.

In the interim, while the Board's Order to Show Cause proceedings were still pending, AES filed two requests regarding the coal combustion residuals generated at the Facility, also known as ashes. On the one hand, on May 15, 2014, AES filed with the Board a proposal entitled "Proposal to Landfill CCP's Produced at the AES Puerto Rico Facility," asking the Board to specifically authorize it to dispose of CCR's in sanitary landfill systems (hereinafter "SLS's") of Puerto Rico that comply with Subtitle D of the U.S. Resource Conservation and Recovery Act ("RCRA"). To that effect, AES expressed in this proposal that "[s]pecifically, we hereby formally request that EQB affirm that AESPR may lawfully **dispose** of coal combustion products (CCP's) in Puerto Rico landfills that comply with subtitle D of the Resource Conservation and recovery Act (RCRA)" (Emphasis added). *See,* "Proposal to Landfill CCP's Produced at the AES Puerto Rico Facility", page 1.

This request constitutes an admission on AES's part that it intended to dispose of CCR's generated at the Facility or, in other words, that CCR is a material that will be disposed of or discarded and that there is not market for such product. The current situation, as AES itself declared, is clearly contrary to the alleged facts and circumstances originally presented by AES and evaluated by the Board, as part of interpretative resolutions R-96-29-1 and R-00-14-2, which had the effect of exempting AES's activities from compliance with the requirements of the 1997 Regulations. According to AES's request, it currently needs to permanently discard, throw out, abandon or dispose of the ashes generated at the Facility.

This petition is also against what was expressly established by the Board in R-05-14-11, where, as mentioned above, it was pointed out that both the fly ash and the bottom ash generated by AES and processed in producing Manufactured Aggregate would be non-hazardous solid waste if, instead of being processed, it was disposed of in a solid waste disposal facility, such as a SLS.

Now, with regard to the possibility of disposing of CCR's, Region 2 of the U.S. Environmental Protection Agency recently expressed itself with regard to the disposal of CCR's in SLS's of Puerto Rico. *See*, Attachment 1, which includes a copy of the EPA letter of reference. Specifically, the EPA endorsed the disposal of CCR's generated by AES as long as they were disposed of in a composite lined or a geosynthetic material lined permitted SLS that complies with Subtitle D of the RCRA, or in a composite lined or geosynthetic material lined monofill type facility, dedicated to the disposal of CCR's.

Moreover, on June 9, 2014, AES also filed a proposal entitled "Proposal to Use Agremax Produced at the AES Puerto Rico Facility as Alternative Daily Cover" this time asking for authorization to use Agremax as an alternative daily cover material at SLS's that comply with Subtitle D of the RCRA. According to AES, Agremax is a manufactured aggregate that comes from CCR's. In what is relevant to daily cover material, Rule 546(c) of the 1997 Regulations, as amended, contemplates the use of a material equivalent to compacted fill:

> "[O]wners or operators who wish to use a cover layer thinner than the minimum established above, or cover material that warrants a thicker layer, or an equivalent material, shall submit to the evaluation of the Environmental Quality Board a dispensation request demonstrating that the alternative cover materials and the proposed thickness are adequate to control vectors, fires, objectionable odors, dispersal of waste by wind and rescue of waste, without presenting a risk to human health or the environment." (Emphasis added).

By virtue of this Rule any SLS's that wish to use an "equivalent material" must submit their request to the Board's evaluation.

II. RESOLUTION:

After evaluating the totality of the administrative file, discussing all the merits of this case, and by virtue of the powers and authority conferred by Law No. 416-2004, as amended, known as the "Environmental Public Policy Act" and the regulations passed thereunder, the Board hereby **RESOLVES** as follows:

A. Resolutions R-96-39-1 and R-00-14-2 are revoked. Based on AES's own admission, the CCR's generated at the Facility will be disposed of. Therefore, AES is a solid waste facility subject to the requirements of the 1997 Regulations, as amended.

B. Pursuant to the 1997 Regulations, as amended, AES is ordered to submit, within 30 days, a compliance plan for the Facility, which must include, as a minimum, the following information: establishment of progress actions to reach specific goals and deadlines within which the goals will be reached (expressly contemplating the goal to obtain the pertinent EQB permit for the Facility); establishment of deadlines to achieve compliance with every requirement that is being violated.

C. Once this compliance plan is approved by the EQB, AES shall have 30 days to file with the EQB the Permit Application required by virtue of Rule 642 of the 1997 Regulations, as amended.

D. The deposit of CCR's and/or Manufactured Aggregate and/or Agremax in places other than those described in the following paragraphs of this Resolution is prohibited. Any beneficial use proposed for the CCR's must be submitted to the Board's consideration and may only be used once authorization has been obtained from the Board.

E. The disposal of CCR's generated by the Facility is only authorized in cells of SLS's authorized to operate by the EQB that have a composite or geosynthetic liner and comply with the design and operation criteria laid down in Title 40, Part 258 of the Code of Federal Regulations under Subtitle D of the RCRA and the 1997 Regulations, as amended.

F. It is hereby advised that any SLS that wishes, and is eligible, to receive CCR's for disposal must, before receiving any CCR's, file an application with the EQB to modify its operation permit. In addition, the facility must submit to the EQB for its approval an amended operation and emergency plan that must, as a minimum, include: adequate methods to control the material particles and compact the waste; a description of the safety and protection equipment of the operators and employees of the facility; a detailed description of the runoff control system; and a description of the groundwater monitoring plan.

G. The use of CCR's as daily cover material is authorized solely in cells of SLS's authorized to operate by the EQB that have a composite or geosynthetic material liner and comply with the design and operation criteria laid down in Title 40, Part 258 of the Code of Federal Regulations under Subtitle D of the RCRA and the 1997 Regulations, as amended. Any SLS that wishes, and is eligible, to receive CCR's to

use them as daily cover material must, before receiving CCR's, file an application with the EQB to modify its operation permit. In addition, the facility must submit to the EQB for its approval an amended operation and emergency plan.

H. Any application filed by virtue of paragraphs F and G of this resolution shall be evaluated in accordance with the particular conditions of each facility. The Board reserves its right to impose any conditions and safeguards that it may deem necessary to protect human health and the quality of the environment.

I. AES must continue performing tests to analyze the CCR's (monthly TCLP[2] and SPLP[3]) and Full RCRA.[4] A copy of these analyzes must be submitted to the Land Contamination Control Area to the attention of Mrs. Lorna Rodriguez Diaz, Acting Manager, within 10 days of the performance of the tests.

IV. [sic] **NOTIFICATION:**

NOTIFY a true and exact copy of this Resolution by certified mail with return receipt requested to: **Attorneys Eduardo Negron Navas / Juan Carlos Gomez Escarce / Pedro Reyes Bibiloni**, Fiddler Gonzalez & Rodriguez, LLP, PO Box 363507, San Juan, PR 00936-3507; to **Manuel Mata**, President, AES, to PO Box 1890, Guayama, PR 00785; and by internal mail to the following officers of the Environmental Quality Board: **Atty. Suzette M. Melendez Colon**, Vice-President, **Atty. Rebeca Acosta Perez**, Associate Member, **Mrs. Maria de los Angeles Ortiz**, Alternate Member; **Atty. Raquel Roman Hernandez**, Manager, Office of Legal Affairs; **Lorna Rodriguez Diaz**, Acting Manager, Land Contamination Control Area; and Juan Burgos; Director, Guayama Regional Office.

Issued in San Juan, Puerto Rico, on August 27, 2014.

[illegible signature]
LAURA M. VELEZ VELEZ
PRESIDENT

[2] TCLP means Toxicity Characteristic Leaching Procedure (Test method SW-846 1311 and ASTM D3987-85).
[3] SPLP means Synthetic Precipitation Leaching procedure (Test method SW-846 1312).
[4] Full RCRA refers to the analysis of the extracts obtained through the lixiviation tests (i.e. TCLP, SPLP) for the following parameters, in addition to the parameters included in Table 1, part 262.24 of Chapter 40 of the Code of Federal Regulations (40 CFR § 261.24): total metals, volatile organic compounds, semi-volatile compounds, herbicides and pesticides.

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I DO HEREBY CERTIFY that I have notified by certified mail with return receipt requested a true and exact copy of **Resolution R-14-27-20** to the parties at the addresses listed in Section IV and by internal mail to the officers of the EQB, having filed the original Resolution in the records of this case.

[hw: *September*]
In San Juan, Puerto Rico, on ~~August~~ *2*, 2014.

[illegible signature]
SECRETARY
GOVERNING BOARD

CERTIFICATION OF TRANSLATION

I, Carol G. Terry, a US-Court-Certified-Interpreter, Certificate No. 03-001, and translator with an MA in Translation from the University of Puerto Rico, do hereby certify that, to the best of my knowledge and abilities, the foregoing FIFTEEN (15) pages are a true and correct translation of the original document in Spanish.

Carol G. Terry